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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	Case No.: 2:15-cr-0100-JAD-GWF
Plaintiff,)	
)	GOVERNMENT RESPONSE TO
vs.)	DEFENSE MOTION TO RE-OPEN
)	
RICHARD LEE COOK,)	
)	
Defendant.)	

Plaintiff United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and ROBERT A. KNIEF, Assistant United States Attorney, submits this response to defendant's Motion to Re-open Bail. (#19). This response is timely filed.

On April 10, 2015, defendant was detained by the Court at his initial appearance. Defendant seeks to re-open that detention hearing based on the Court's comments regarding the possibility of a third party custodian. While the hearing can be re-opened, it can only be re-opened under specific circumstances.

The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.

18 U.S.C. § 3142(f).

1 The possibility of a third-party custodian was known to defendant at the time of initial
2 detention hearing. Defendant also knew of the existence of his proposed third-party custodian at
3 the time of the initial detention hearing. There being no new information, defendant's request to
4 re-open should be denied.

5 At the initial detention hearing, the Court also recognized the potential of placing
6 defendant in a half-way house. However, at the time of the hearing no bed space was available.
7 Should such bed space become available, a Motion to Re-Open would be based on new
8 information and may be heard.

9 Based on the above, defendant's Motion to Re-Open should be denied.

10 DATED this 15th day of May, 2015.

11 Respectfully submitted,

12 DANIEL G. BOGDEN
13 United States Attorney

14 /s/ Robert A. Knief

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16 ROBERT A. KNIEF
17 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I, ROBERT KNIEF, do hereby certify that on May 15, 2015 a copy of the attached RESPONSE TO DEFENSE MOTION TO RE-OPEN was sent by electronic mail to the person hereinafter named, at the place and address stated below, which is the last known address:

Addressee: Brenda Weksler, AFD
Counsel for defendant COOK

/s/ Robert Knief

ROBERT KNIEF